

April 14, 1955

Dr. Reger W. Barnes
1216 Wilshire Boulevard
Los Angeles 17, California.

RE: Beaver River Distribution

Dear Sir:

Referring to your letter of April 12, 1955 I believe that had your tenant Mr. Sheral Carter shown you all the correspondence and orders issued by the State Engineer concerning Water Right #98 in the Beaver River Decree you would have a clearer understanding of the problem involved in last years distribution of water on your river system.

During the early season there was not sufficient water to fill the Rocky Ford Reservoir and according to the decrees and contracts existing between the Rocky Ford Reservoir Company now the Yellow Mountain Irrigation Company, the first 7,500 acre-feet of water in said reservoir belongs to the Minersville Reservoir and Irrigation Company. When the reservoir got down to this amount the balance of the water belonged to the latter company. There was no inflow into the reservoir during the greater part of the summer season and for the reason that the reservoir was down to not more than 7,500 acre-feet, with no inflow coming in and there was no water to be given to fill any right: below the reservoir other than the Minersville right. However during this same period on August 17th and 18th a representative from this office together with the water commissioner and representatives of the Yellow Mountain Irrigation Company, measured 1.37 second-feet of water over the weir in your ditch near the dam. Also at the same time there was .12 of a second-foot being diverted out of the river near your house. In addition to the above there was a 3/4-inch or 1-inch pipe delivering a considerable stream of water which was being utilized. On that date Mr. Carter was using well over 1.5 second-feet. The water commissioner was instructed to cut down this amount of water to the amount of water decreed to you as long as the water was being picked up along your ditch and out of the spring area, however he was also instructed not to deliver any water out of the reservoir when there was no water flowing into the Rocky Ford Reservoir. In other words unless it could be proven that there was a make in the river between the Adamsville gage and the outlet of the reservoir that your right would be entitled to no water from the reservoir under the conditions existing at that time. The weirs ordered to be installed were ordered to be located at the points described in order to include the picked up water from the surrounding areas which seep into your ditch so that you would be entitled over both weirs a total of one second-foot when and if available. I wish to quote from the State Engineer's Determination on which the Beaver River Decree was predicated. On Page #45 of said Determination the following paragraph appears:

***** Said 7,500 acre-feet of water to be made up from the first water stored in the Rocky Ford Reservoir and the

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right to its use by the Minersville Reservoir and Irrigation Company is the first right on Beaver River below said Rocky Ford Dam, and no other appropriator of water of Beaver River below said dam whether person or corporation shall be entitled to use any of the water of said Beaver River until full provision is made for delivery to the Minersville Reservoir Company of 7,500 acre-feet of water * * * * *."

Although the above paragraph is not in the Decree it appears to have been the intent that when the water is as low as it was during the 1954 season and there would be only 7,500 acre-feet available that no water should be delivered to any other user from storage. A great deal of time and investigation has been spent on this problem and it is the desire of the State Engineer to distribute the water equitably between the various users. You will also note that the Decree provides a formula for distribution of water below the Barton Dam to all users below including the Rocky Ford Reservoir water, but does not provide in it's formula for any consideration of Right #98.

I hope the above explanation will clarify the reasons why certain steps were taken during the season of 1954. An attempt was made to follow the Decree and give every right its just proportion of the water available. In a low water year this becomes a very difficult problem.

Very truly yours,

Joseph M. Tracy
STATE ENGINEER.

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